United Nations S/2016/180

Security Council

Distr.: General
24 February 2016

Original: English

Letter dated 22 February 2016 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

In my capacity as Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to transmit herewith the report of the Counter-Terrorism Committee on its special meeting on kidnapping for ransom and hostage-taking committed by terrorist groups (see annex).

It would be appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Amr Abdellatif **Aboulatta**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Special meeting of the Counter-Terrorism Committee on kidnapping for ransom and hostage-taking committed by terrorist groups

United Nations Headquarters, New York, 24 November 2014

Rapporteurs' summaries[a]

Introduction

In its resolution 2133 (2014), the Security Council encouraged the Counter-Terrorism Committee and its Executive Directorate to hold, with the assistance of appropriate expertise, a special meeting with the participation of Member States and relevant international and regional organizations to discuss measures to prevent incidents of kidnapping and hostage-taking committed by terrorist groups to raise funds or gain political concessions. In the resolution, the Council also requested the Committee to report to it on the meeting's outcomes.

Accordingly, the Committee held a special meeting on kidnapping for ransom and hostage-taking committed by terrorist groups at United Nations Headquarters, New York, on Monday, 24 November 2014. On the same day, the Executive Directorate held a side event on facilitating technical assistance to Member States on kidnapping for ransom and hostage-taking committed by terrorist groups.

Plenary session: opening of the special meeting

Raimonda Murmokaitė (Chair, Counter-Terrorism Committee) recalled that the recourse to kidnapping for ransom and hostage-taking by terrorist groups constituted a serious threat to international peace and security as well as a violation of fundamental human rights. She noted further that over the past few years, the use of that tactic had increased significantly, leading to the adoption of Security Council resolution 2133 (2014), in which the Council condemned kidnapping by terrorist groups for any purpose, including raising funds or gaining political concessions, and called upon the Counter-Terrorism Committee, with the support of its Executive Directorate, to take steps to address that phenomenon. She highlighted that kidnapping for ransom provided terrorist groups with a significant source of funding, as money enabled terrorist groups to purchase equipment; incite, recruit and train new members: and develop new methods, including through the use of sophisticated technologies. She also stressed greater cooperation by Member States, not only in countering occurrences of kidnapping for ransom and hostage-taking, but also in tracing the money flows in order to identify those involved in financing and supporting the perpetrators.

Jean-Paul Laborde (Executive Director, Counter-Terrorism Committee Executive Directorate) noted that terrorist hostage-taking had grown in scale over recent years. It was therefore vital that the international community reassess its efforts to address it. The special meeting represented an excellent opportunity to bring together representatives of Governments from all over the world and relevant

[a] The Committee will post the official summary record of the meeting on its website in due course.

international and regional organizations to determine a coordinated response to tackle the threat to global peace, security, development and human rights. Kidnapping for ransom was a major source of terrorist financing, and there was a need to develop effective strategies at the national and local levels to secure the release of hostages and promote greater cooperation between international bodies and Member States to combat both crimes while also ensuring respect for human rights.

Interactive session I: threat assessment

Yotsana Lalji (Expert, 1267 Committee Monitoring Team) provided an overview of the threat of kidnapping for ransom and hostage-taking committed by terrorist groups. The use of kidnapping for ransom and terrorist hostage-taking had become a widespread and very lucrative business for terrorist organizations. Terrorist groups either committed the kidnappings themselves or outsourced the task to criminal organizations. Targets included tourists, employees of multinational corporations, journalists, humanitarian relief workers and local civilians. Ransom payments were usually paid by, and collected through, intermediaries and were mainly processed through cash transactions. The proceeds were used to buy weapons, explosives and logistics to run terrorist training camps. The Monitoring Team would continue to work with Member States to encourage the implementation of the relevant resolutions.

Emmanuel Pouyi (Specialist on Alert, Prevention, Studies and Publications, African Centre for Studies and Research on Terrorism) noted that Africa was one of the regions most affected by kidnapping for ransom and terrorist hostage-taking. As the number of terrorist groups employing that tactic had risen, the number of incidents had also grown. Al-Qaida financed almost 90 per cent of its activities through kidnapping for ransom. The focus of the African Union was on prevention. When prevention was no longer an option, the goal became to secure the release of hostages while protecting human rights. Many Governments in Africa employed a no-ransom policy. The African Union had responded to the threat through the adoption of a number of instruments and decisions and was currently working on other responses, including the development of an African arrest warrant and the establishment of a rapid action military force.

Interactive session II: national responses

María Emma Mejía Vélez (Permanent Representative of Colombia to the United Nations) highlighted the successes of the Government of Colombia in its fight against kidnapping for ransom and hostage-taking by terrorist groups. Kidnapping for ransom and hostage-taking by terrorists was not a phenomenon with uniform characteristics, and it was therefore difficult to respond with a single model. Terrorist groups such as the Revolutionary Armed Forces of Colombia and paramilitary and drug trafficking groups were responsible for kidnapping for ransom and hostage-taking in Colombia. Over a period of 10 years, Colombia had reduced the kidnapping rate by over 90 per cent as a result of a series of policies that were individually tailored to combat incidents of kidnapping for ransom and hostage-taking by terrorist groups. The Government of Colombia had the political will to respond to the kidnappers, as evidenced by its allocation of sufficient funding; its introduction of robust legislation that, inter alia, criminalized kidnapping for ransom by terrorist

groups; State-wide surveillance; international cooperation; efforts to strengthen the criminal justice system; its development of specialized security forces; and its sharing of intelligence. The Government's policy was focused on prevention, deterrence, breaking down structures, criminalization and assistance. The criminalization of payment of ransom by families had been struck down as unconstitutional by the courts. The National Police of Colombia had created a new unit specialized in anti-kidnapping, hostage-taking, disappearances and anti-extortion. Hundreds of police officers from different nationalities had been trained on anti-kidnapping for ransom. Colombia would like to find ways to cooperate with other countries in fighting the scourge of terrorist hostage-taking and kidnapping.

Glen Askew (Assistant Director, Counter-Terrorism Activities Section, Department of Foreign Affairs and Trade, Australia) noted that kidnapping for ransom was rare in Australia and that there were no examples of terrorism-related incidents. However, an incident in 2008 had sparked an inquiry by the Department of Foreign Affairs and Trade and the Senate into the Government's response policy on Australians kidnapped overseas and held for ransom. One of the recommendations of the inquiry was to improve international cooperation. Australia had supported the efforts of the Philippine National Police and other Filipino agencies to secure a victim's release and had provided support to his family during and after the ordeal through the sharing of intelligence and a reintegration programme.

Recent payments of large ransoms for foreign hostages in the southern Philippines were likely to increase incidents of kidnapping for ransom and terrorist hostage-taking. Australia partnered with Filipino security agencies to strengthen the response to an investigation of cases of terrorist kidnapping and hostage-taking and raise awareness of the issue through community outreach programmes. More needed to be done to produce a meaningful impact. There was a need for improved international cooperation during cases of kidnapping for ransom and terrorist hostage-taking and for proactive measures to prevent kidnappings from occurring.

Kayode Laro (Minister, Permanent Mission of Nigeria to the United Nations) noted that kidnapping for ransom fell under the rubric of financing of terrorism. The Intergovernmental Action Group against Money Laundering in West Africa and the Financial Action Task Force had conducted a typologies study in 2013 to determine the methods used by terrorists, terrorist groups and their supporters to collect, transfer and utilize funds for their activities. The study had revealed a number of trends that might seriously threaten the security and stability of West Africa, including the upsurge in acts of terrorism and terrorist financing in the subregion; emerging linkages between West African extremist groups and international terrorist organizations and the provision of support by the latter to the former; the use of both legitimate and illegitimate means by terrorists and terrorist groups to raise funds through trade and other lucrative activities; the use of non-governmental organizations, charities and taxes as conduits for terrorist financing; the smuggling of arms, assets and currencies; and drug trafficking. At the time of the study, kidnapping for ransom and terrorist hostage-taking were not major sources of financing. However, funds had been seized from several members of Boko Haram during a recent arrest. Nigeria had put in place the necessary legal and regulatory framework, but terrorists would attempt to exploit any loopholes.

Roberto Fajardo (Director, Anti-Kidnapping Group, Philippine National Police) said that the policy of the Government of the Philippines was not to pay

ransom. However, the Government could not prevent families from negotiating the release of victims. Most kidnappings occurred on remote islands controlled by small terrorist groups that took advantage of the difficult terrain and geography, including the long shoreline. Additional challenges included "backdoor" negotiations initiated by families without the knowledge of the police, political demands by terrorist groups and the sheltering of kidnappers by secessionist groups. The Government of the Philippines would not grant payments that would give terrorists an operational or psychological advantage. If the victim was foreign, the Government would maintain close contact with the relevant foreign Government. The safety of the victim was the primary concern in conducting an investigation for prosecution. Best practices included close coordination among law enforcement agencies, local Government units, concerned Government agencies, non-governmental organizations and the community; the management of classified information to avoid the leak of information that would jeopardize an operation; ongoing skills-enhancement programming; and liaison with foreign embassies.

Nicolas Harrocks (Deputy Head, Counter-Terrorism Department, Foreign and Commonwealth Office, United Kingdom of Great Britain and Northern Ireland) welcomed the unity of Member States in combating the threat of kidnapping for ransom by terrorist groups. The United Kingdom had employed a no-ransom payment policy for over 40 years, including political concessions. Kidnapping for ransom by terrorist groups in North Africa had eliminated tourism in the region, and terrorism employment often replaced local employment. The approach of the United Kingdom to combating kidnapping for ransom and hostage-taking by terrorist groups focused on three key elements: (a) coordination; (b) inclusion; and (c) a clear legal framework. When faced with a terrorist kidnapping case, the Government formed a Cabinet Office briefing room to facilitate an agreed strategy and a clear chain of command for decision-making. The Cabinet Office briefing room meeting was also joined by a representative of the kidnapping victim's family. The meeting determined the overall response to the kidnapping and ensured that all Government departments and the embassy on the ground were aligned in their strategy and operational decisions. It was vital that the family, employer, media, private security companies and non-governmental organizations be involved in the process.

Open discussion

- Some delegations noted that ransom payments were a significant subsidy for terrorists and that kidnapping for ransom and terrorist hostage-taking constituted a vicious cycle in which each ransom paid fuelled more kidnappings. It was noted that a clear no-concession policy would remove the incentive for further incidents.
- Some delegations focused on the importance of establishing a strong domestic legal framework to criminalize material support for a terrorist organization, including through ransom payments.
- There was consensus among delegations that the first line of defence against kidnapping for ransom and terrorist hostage-taking was prevention.
- A delegation stated that its Government provided comprehensive travel advice and remained engaged with citizens working abroad through its overseas security advisory councils (regional bodies comprised of private sector representatives and the security officer of the local embassy). The Government

was currently considering targeted outreach to such communities to raise personal security awareness and the threat of kidnapping for ransom.

- Delegates also noted that journalists and aid workers remained at particular risk. A number of delegations emphasized the importance of a whole-of-Government approach to dealing with the issue, including by working with the victims' families, the community, civil society and the private sector. It was important to encourage regular formal and informal contact at the working level. It was noted that legislation provided both a deterrent and a punishment and that the private sector should be aware of the relevant domestic and international obligations.
- Participants noted the need to involve the media and shared practical lessons learned in that regard and noted the need to minimize the newsworthiness of the event.
- The criminalization of the payment of ransom by Governments and non-Governmental actors remained a controversial policy. Several delegations indicated that their Governments had a no-ransom policy, in line with their obligations under international law. Others noted that their Governments could not prevent families from paying ransom. It was difficult to determine whether payments had been made. Some panellists stated that laws criminalizing the payment of ransom had not been challenged in their national Courts.
- There was consensus as to the need to consider the underlying causes of kidnapping for ransom and terrorist hostage-taking cases, including their social, economic and cultural underpinnings.

Interactive session III: international cooperation

Mauro Miedico (Chief of Section, Terrorism Prevention Branch, United Nations Office on Drugs and Crime (UNODC)) highlighted the importance of the international counter-terrorism legal framework and of the challenges faced by Member States in their implementation. He reiterated the importance of international cooperation and ways that States could work together to build the capacity of countries to implement Security Council resolution 2133 (2014); and lessons learned and international voluntary good practices such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists, adopted by the members of the Global Counterterrorism Forum in April 2012. He noted that the implementation of all those conventions and instruments required determined action, including specialized technical assistance.

Mr. Miedico continued by stating that a comprehensive and integral counter-terrorism financing strategy should ensure the inclusion of the financial component in criminal investigations. He stressed the importance of monitoring informal financing mechanisms such as the *hawala* system, non-profit organizations and the use of cash couriers, which were issues that were dealt with by the Working Group on Tackling the Financing of Terrorism of the Counter-Terrorism Implementation Task Force.

Laurent Soudan and Alain Di Nicola (Criminal Intelligence Officers, Public Safety and Terrorism Sub-Directorate, International Criminal Police Organization (INTERPOL)) provided an overview of key INTERPOL activities in the field of

kidnapping for ransom and terrorist hostage-taking. The panellists stated that it was important for Member States to exchange information, draw lessons learned from previous hostage-taking incidents and use the relevant international INTERPOL criminal databases and alert systems. The panellists reiterated the importance of prevention, including through the development of good practices and the training of potential victims in self-protection. They further highlighted the role of operational support during and after the period of detention. The panellists also recalled the need to strengthen the capacities of law enforcement agencies and to train police and the military. INTERPOL acted as a facilitator regarding national training, as in the case of Colombia. There was a need to counter the exploitation by terrorists of information and communication technologies such as the Internet and social media.

Obiora Chinedu Okafor (Member, Human Rights Council Advisory Committee) stated that the Advisory Committee had submitted a report on the topic to the Human Rights Council at its twenty-fourth session, of September 2013 (A/HRC/24/47). The study focused on the impact of terrorist hostage-taking and actions taken in response thereto, including ransom payments, on the human rights of hostages and of the local communities concerned, as well as the role of regional and international cooperation in that field.

The issues of violations and abuses of human rights associated with hostage-taking and kidnapping for ransom were also discussed. It was noted that terrorist kidnappers usually demanded ransom payments from the victims and their families, which led to a vicious cycle in which such funds ultimately strengthened the operational capabilities of terrorists by allowing them to take care of their own socioeconomic needs, including by enabling them to arm, re-arm or better arm themselves. Responses to terrorist kidnapping should, as far as possible, respect the fundamental human rights of all affected by the crime (including kidnapped individuals, their families and other members of the affected community). The need to increase the capacity of States to prevent such kidnappings was emphasized. Enhanced training, resourcing and equipping of police/security officers or military troops engaged in counter-terrorism operations would serve an important human rights objective.

Hassan Baage (Deputy Head, Assessment and Technical Assistance Office, Counter-Terrorism Committee Executive Directorate) reiterated that terrorist organizations were increasingly resorting to kidnapping for ransom as a way to fund their operations. The threat to peace and security posed by kidnapping for ransom had been addressed in recent Security Council resolutions that called for action by the Executive Directorate. The latter was a facilitator of the delivery of technical assistance to Member States, not a provider. The Executive Directorate identified shortfalls in the implementation by Member States of effective counter-terrorism measures and mechanisms, pursuant to the relevant Security Council resolutions, through a variety of working tools (including dialogue with Member States during visits by the Counter-Terrorism Committee, detailed implementation surveys and overviews, and the convening of regional and multilateral events with both Member States and donors aimed at promoting open discussion of challenges and solutions, international cooperation and the exchange of good practices).

The Executive Directorate would seek guidance from the Counter-Terrorism Committee on the possibility of including the issue of kidnapping for ransom in its discussions with affected Member States during country visits, within a human

rights-compliant framework. The Executive Directorate would also help Member States to identify gaps in their terrorist financing, legal and operational frameworks and to devise adequate responses, particularly in the field of financial investigations, the operationalization of financial intelligence units and the capacity to freeze the assets of suspected terrorists and terrorist organizations. The Executive Directorate was also facilitating law enforcement and legal cooperation through initiatives such as its workshop series for prosecutors and the initiative to build regional networks of counter-terrorism law enforcement and intelligence officers in the Sahel region and South Asia. Those initiatives might address the issue of kidnapping for ransom and hostage-taking in greater depth. The Executive Directorate would keep the Counter-Terrorism Committee informed about the development of the kidnapping for ransom and hostage-taking phenomena.

Open discussion

- Several delegates reiterated the need to protect the right to life of hostages.
- Kidnapping for ransom was among the fastest-growing and profitable methods of financing terrorism.
- Some delegates noted that paying ransom was illegal under international law. In that context, one delegation highlighted the importance of countering the financing of terrorism pursuant to Security Council resolutions 2133 (2014), 2161 (2014), 2170 (2014) and 2178 (2014). The same delegation echoed the need to implement the recommendations of the Financial Action Task Force and to expand cooperation on financial intelligence information-sharing among States.
- The link between terrorism and drug trafficking was also highlighted.
- Another delegation reiterated the importance of respecting the right to life and due process of those who are investigated and/or prosecuted in the context of kidnapping for ransom cases. The importance of promoting a no-concession policy was stressed as a way to break the vicious cycle.
- Several delegations highlighted the importance of building the capacity of States to support a no-concession policy.
- One delegation noted that in order to encourage the denial of ransom proceeds to terrorist organizations, it would help States to find alternatives to paying ransoms by building their capacities to combat terrorist kidnappings, including through training police in hostage negotiation, investigations, support for prosecutions, information-sharing, crisis management assistance and the implementation of best practices.
- Another delegation stated that a set of highly interactive training modules would be made available to interested partners, in Arabic, French and English.
- It was recalled that Algeria, Canada and the United States of America had launched a series of workshops for countries of the Sahel and Maghreb regions, to be implemented by the Institute for Security Studies in collaboration with the Global Counterterrorism Forum and the International Institute for Justice and the Rule of Law. The workshops focused on the implementation of the Algiers Memorandum, and the first had been held from 14 to 16 October 2014 at the International Institute for Justice and the Rule of

Law. Algeria would host the next training programme on kidnapping for ransom in early 2015. Those training efforts complemented the workshop co-organized by the Organization for Security and Cooperation in Europe and UNODC, held in Malta in September 2014.

Recommendations

- Member States should ratify and domesticate the relevant international counter-terrorism instruments, in particular the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; the 1979 International Convention against the Taking of Hostages; the 1999 International Convention for the Suppression of the Financing of Terrorism; and the relevant counter-terrorism instruments of the International Civil Aviation Organization and the International Maritime Organization.
- Member States should increase internal coordination among the relevant agencies, including by sharing information and strengthening the capacity of specialized security forces to prevent kidnapping for ransom and hostage-taking and to resolve such incidents successfully.
- Member States should increase international cooperation to prevent kidnapping for ransom and hostage-taking and to resolve such incidents successfully.
- Families and employers should be involved in the resolution of such incidents.
- The role and impact of the media during kidnapping for ransom operations, especially in minimizing the newsworthiness of the event, should be recognized.
- Responses to the terrorist kidnapping should, as far as possible, respect the fundamental human rights of all affected by the crime (including kidnapped individuals, their families and other members of the affected community).
- Member States should conduct outreach to their nationals, local communities and private and non-profit sectors concerning the risks of hostage-taking and kidnapping for ransom. The first line of defence against kidnapping for ransom and terrorist hostage-taking is prevention.
- It is essential to study the underlying causes of kidnapping for ransom and terrorist hostage-taking cases, including their social, economic and cultural underpinnings.
- Providers of technical assistance should deliver, upon request, technical assistance to interested Member States on preventing kidnapping for ransom and hostage-taking for terrorist purposes, as well as on crisis management and assistance to victims.
- During country visits conducted on behalf of the Committee, the Counter-Terrorism Committee Executive Directorate should, where appropriate, engage in dialogue with Member States on their practices in responding to hostage-taking and kidnapping for ransom for terrorist purposes and should emphasize the need to address the issue within a human rights-compliant framework.
- As a facilitator of technical assistance, the Counter-Terrorism Committee Executive Directorate should continue to help to support and promote good

practices in dealing with hostage-taking and kidnapping with ransom, as identified through regional and multilateral initiatives and including in the context of the Working Group on Tackling the Financing of Terrorism of the Counter-Terrorism Implementation Task Force.

Enclosure

Special meeting of the Counter-Terrorism Committee on kidnapping for ransom and hostage-taking committed by terrorist groups

Economic and Social Council Chamber, United Nations Headquarters, New York

24 November 2014

Agenda

10.00-10.10 **Opening session**

Opening statements:

- Raimonda Murmokaitė, Chair of the Counter-Terrorism Committee
- Jean-Paul Laborde, Executive Director of the Counter-Terrorism Committee Executive Directorate

10.10-10.40 **Session I: Threat assessment**

Moderator: Raimonda Murmokaitė, Chair of the Counter-Terrorism Committee

Topics:

- Mapping of incidents
- Kidnapping for ransom as a source of terrorism financing

Panellists:

- Hostage-taking and kidnapping for ransom by Al-Qaida, Yotsna Lalji, Expert, 1267 Committee Monitoring Team
- The African Union assessment of the threat, Emmanuel Pouyi, Specialist on Alert, Prevention, Studies and Publications, African Centre for Studies and Research on Terrorism

Questions and answers

10.40-11.40 **Session II: National responses**

Moderator: Raimonda Murmokaitė, Chair of the Counter-Terrorism Committee

Topics:

- Measures and initiatives to prevent incidents of kidnapping and hostage-taking committed by terrorist groups

- Legal, policy and operational measures to prevent terrorists from benefiting from ransom payments
- Preparedness and inter-agency coordination of law enforcement for crisis management
- Outreach to nationals, local communities and the private and non-profit sectors

Panellists:

- Perspective of Colombia, María Emma Mejía Vélez, Ambassador Extraordinary and Plenipotentiary, Permanent Mission of Colombia to the United Nations
- Perspective of Australia, Glen Askew, Assistant Director, Counter-Terrorism Activities Section, Department of Foreign Affairs and Trade, Australia
- Perspective of Nigeria, Kayode Laro, Minister, Permanent Mission of Nigeria to the United Nations
- Perspective of the United Kingdom of Great Britain and Northern Ireland, Nicolas Harrocks, Deputy Head, Counter-Terrorism Department, Foreign and Commonwealth Office, United Kingdom

Open discussion

11.40-12.55 **Session III: International cooperation**

Moderator: Raimonda Murmokaitė, Chair of the Counter-Terrorism Committee

Topics:

- International cooperation, sharing of information and tracking money flows
- Addressing violations and abuses of human rights associated with hostage-taking and kidnapping for ransom
- Building capacities of States to implement Security Council resolution 2133 (2014)
- Lessons learned and international voluntary good practices such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists of the Global Counterterrorism Forum

Panellists:

- The international legal regime, Mauro Miedico, Chief of Section, Terrorism Prevention Branch, United Nations Office on Drugs and Crime

- **Use of police cooperation tools, Laurent Soudan and Alain Di Nicola, Criminal Intelligence Officers, Public Safety and Terrorism Sub-Directorate, International Criminal Police Organization (INTERPOL)**
- **Human rights dimension, Obiora Chinedu Okafor, Member, Human Rights Council Advisory Committee**
- **Capacity-building, Hassan Baage, Deputy Head of Assessment and Technical Assistance Office, Counter-Terrorism Committee Executive Directorate**

Open discussion

12:55-13:00 **Closing session**

Closing statement: **Raimonda Murmokaitė, Chair of the Counter-Terrorism Committee**